

CHAPTER 79
SB 49 – FINAL VERSION

02/23/11 0472s
4Jan2012... 2810h

2012 SESSION

11-1040
06/04

SENATE BILL **49**

AN ACT relative to tip pooling arrangements.

SPONSORS: Sen. Stiles, Dist 24; Rep. Pantelakos, Rock 16; Rep. K. Sullivan, Rock 15

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill requires tip pooling and tip sharing arrangements to be voluntary.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 79
SB 49 – FINAL VERSION

02/23/11 0472s
4Jan2012... 2810h

11-1040
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to tip pooling arrangements.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 79:1 New Paragraphs; Minimum Wage Law; Definitions; Tip Pooling; Tip Sharing; Coercion.
2 Amend RSA 279:1 by inserting after paragraph XII the following new paragraphs:

3 XIII. “Tip pooling” means the voluntary practice by which the tip earnings of directly tipped
4 employees within the same job category are intermingled in a common pool and then redistributed
5 among participating employees.

6 XIV. “Tip sharing” means the practice by which a directly tipped employee gives a portion of
7 his or her tips to another worker who participated in providing service to customers.

8 XV. “Coercion” means the threat of or a direct action which results in an adverse effect on an
9 employee’s economic or employment status.

10 79:2 Tip Pools. RSA 279:26-b is repealed and reenacted to read as follows:

11 279:26-b Tip Pooling and Sharing.

12 I. Tips are wages and shall be the property of the employee receiving the tip and shall be
13 retained by the employee, unless the employee voluntarily and without coercion from his or her
14 employer agrees to participate in a tip pooling or tip sharing arrangement.

15 II. No employer is precluded from administering a valid tip pooling or tip sharing
16 arrangement at the request of the employee, including suggesting reasonable and customary
17 practices, and mediating disputes between employees regarding a valid tip pooling or tip sharing
18 arrangement.

19 79:3 Effective Date. This act shall take effect 60 days after its passage.

20 Approved: May 23, 2012

21 Effective Date: July 22, 2012